

Attorney Docket No. 3001 P 009

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventive Application of Kenneth Kiron et al.

Application No. 09/579,801

CPA Filing Date: December 30, 2002

For: "Open End Mutual Fund Securitization
Process"

)
)
) Examiner: Dr. Geoffrey Akers, P.E.
)
) Group Art Unit: 3624
)
)
)

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
TO OVERCOME CITED PATENT PURSUANT TO 37 C.F.R. 1.131**

BOX FEE AMENDMENT
Commissioner for Patents
Washington, D.C. 20231

RECEIVED

APR 10 2003

GROUP 3600

Dear Sir:

As a below named inventor, I hereby declare that:

1. Kenneth Kiron and Kevin Bander are the inventors of the subject matter described and claimed in the above-identified patent application.
2. This declaration is to establish completion of the invention in this application in the United States, at a date prior to March 13, 1995, the effective date of the relevant subject matter of U.S. Patent No. 5,812,987, which was cited by the Examiner in the Office Action dated June 3, 2002. Transmitted herewith is a Preliminary Amendment in the above-identified Application.
3. This declaration is submitted prior to final rejection, and as such is timely. Accordingly, Applicants respectfully request the Examiner to enter this evidence into the record.

FACTS AND DOCUMENTARY EVIDENCE

4. To establish a date of completion of the invention of this application prior to March 13, 1995, the attached flowchart in Exhibit A are submitted as evidence. Applicants respectfully note that these documents are not presently being relied upon for establishing the earliest date of conception and/or reduction to practice of the invention of such one or more pending claims, but are solely being used to establish that Applicants date of conception and/or reduction to practice of the invention was prior to March 13, 1995.

5. Exhibit A hereto comprises a flowchart (Drawing Nos. MX 011900) displaying a definite and permanent idea of the complete and operative invention within the scope of the pending claims in the above-identified patent application. The flowchart closely resembles Figure 2 of the present application.
6. We have reviewed the documents comprising Exhibit A and find that this document represents what we believe to be a true copy of the original records generated contemporaneously with our research and development of the invention coinciding with the claims of the above-identified application. These documents support that there was a conception of the invention of the claims in the above-identified application of at least as early as 1993, which is a date earlier than March 13, 1995, the effective date of the relevant subject matter of U.S. Patent No. 5,812,987.

DILIGENCE

7. From the time prior to the date of the reference, 1993, continuously up to October 12, 1995, the date of filing of the patent upon which the above-identified patent application claims priority (U.S. Patent No 5,806,048), Applicants were diligent in reducing the invention to practice.
8. From the time prior to the date of the reference, 1993, to at least October 12, 1995 Applicants continuously and diligently performed research and design on the invention of the above-identified patent application.
9. During its research and design efforts, Applicants provided a confidential disclosure of their invention to the American Stock Exchange on October 12, 1994.

DECLARATION

10. As a person signing below:

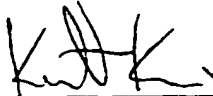
I hereby certify that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



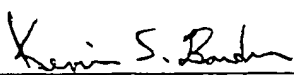
Attorney Docket No. 3001 P 009
Application No. 09/579,801
Page 3

SIGNATURES

Full Name of Sole or First Inventor: Kenneth Kiron
Residential Street Address: 666 West End Avenue #196
City and State/Province: NYC NY 10025
Country and Zip/Postal Code: USA 10025
Citizenship: AMERICAN
Mailing Address: (same as above)

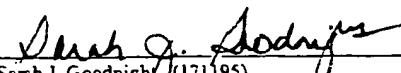
Inventor's Signature: 

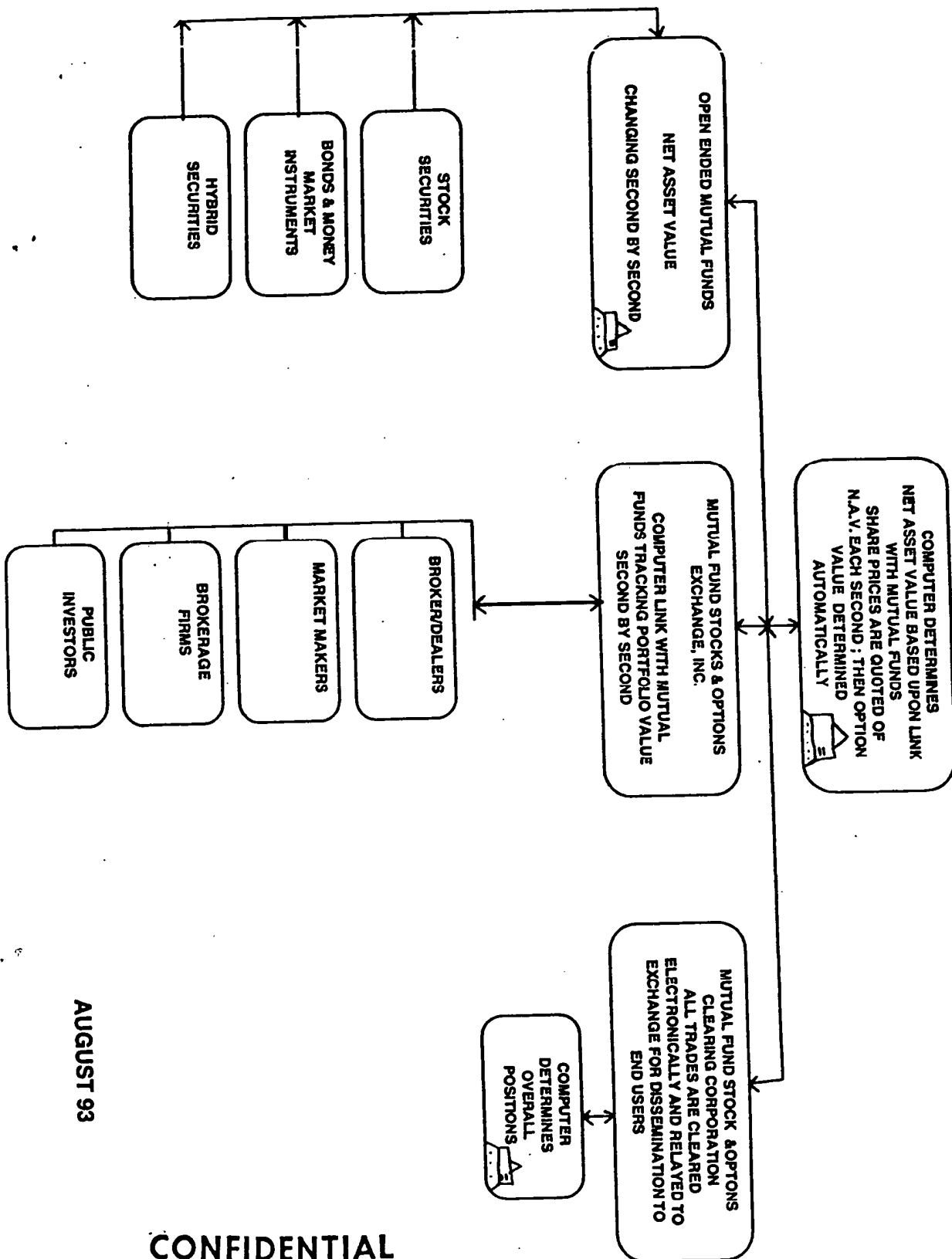
Full Name of Second Inventor: Kevin Bander
Residential Street Address: 666 West End Ave #196
City and State/Province: NYC NY 10025
Country and Zip/Postal Code: USA 10025
Citizenship: AMERICAN
Mailing Address: (same as above)

Inventor's Signature: 

CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)

I hereby certify that this correspondence is, on the date shown below,
being deposited with the United States Postal Service with sufficient
postage as first class mail in an envelope addressed to:
Box Fee Amendment, Assistant Commissioner For Patents,
Washington, D.C. 20231 on MARCH 25, 2003.


Sarah J. Goodnight (171195)



AUGUST 93

CONFIDENTIAL
Attorney's Eyes Only

MX011900